



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

**AGENDA OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
SEPTEMBER 7, 2011**

Robert M. Czech, Chairperson
Robert E. Brenner
Thomas J. Perna
Richard E. Williams

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Bianca Cabrera
City of Perth Amboy
Department of General Government
Removal

In the Matter of Angela Clouston
New Lisbon Development Center
Department of Human Services
Removal

In the Matter of Rhonda Crawley
Veterans Memorial Home, Paramus
Military and Veterans' Affairs
Removal

In the Matter of Emanuel J. Doe
Civil Service Commission
Removal and Resignation not in good standing

In the Matter of Latora Lewis
Newark School District
Suspension

In the Matter of Antonio McClain
Newark School District
Suspension

In the Matter of Tyona Mitchell
Hudson County
Sheriff's Department
Removal and Resignation not in good standing

In the Matter of John Molisso
City of Irvington
Police Department
Suspension

In the Matter of Miguel A. Ortiz
City of Perth Amboy
Department of Public Works
Removal

In the Matter of Evrodie Pierre-Louis
Veterans Memorial Home, Paramus
Military and Veterans' Affairs
Suspension

In the Matter of Anthony Provoid
Northern State Prison
Department of Corrections
Suspension

In the Matter of Erica Rivera
City of Passaic
Police Department
Removal

In the Matter of Steven Sciscio
Albert C. Wagner Youth Correctional Facility
Department of Corrections
Suspension

In the Matter of Eric Swann
New Jersey State Parole Board
Suspension

In the Matter of Shawn Wentz
Township of Deptford
Department of Public Safety
Removal

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN
THE ABOVE CASES – SETTLEMENT**

ACTION:

A-2 RUTH BENJAMIN ET AL.

Ruth Benjamin, Data Entry Machine Operator, Sandra Currais, Clerk Typist, Yanira Escobar-Lopez, Teacher's Aide and Adrienne Vickers, Teacher's Aide, Newark School District, appeal the good faith of their layoffs effective June 30, 2010, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoffs.

ACTION:

A-3 BRICK TOWNSHIP LAYOFFS 2008

Matthew Ford, *et al.*, Brick Township, appeal the good faith of their layoffs effective December 29, 2008, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoffs.

ACTION:

A-4 DURAND GILYARD

Durand Gilyard, Senior Correction Officer, Garden State Correctional Facility, Department of Corrections, 120 working day suspension on charges of neglect of duty, conduct unbecoming a public employee, other sufficient cause, violation of administrative procedure and/or regulations involving safety and security, and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the 120 working day suspension.

ACTION:

A-5 MARCELLA SBARBARO

Marcella Sbarbaro, Senior Clerk Typist, City of Hackensack, Department of Community Affairs, 10 working day suspension on charges of chronic and excessive absenteeism and/or tardiness, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 10 working day suspension.

ACTION:

A-6 ALECIA M. SEGAL

Alecia M. Segal, Human Services Specialist 1, Bergen County Board of Social Services, release at the end of the working test period effective January 21, 2011.

Recommendation of the Administrative Law Judge – Dismiss appeal with prejudice.

ACTION:

A-7 RYAN TROIANO

Ryan Troiano, Fire Fighter, City of Wildwood, Department of Public Safety and Public Affairs, release at the end of the working test period effective December 5, 2010.

Recommendation of the Administrative Law Judge – Reverse the release at the end of the working test period.

ACTION:

A-8 BRUCE JONES

Bruce Jones, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective November 18, 2010, on charges of conduct unbecoming a public employee and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION:**A-9 JOSEPH M. COLOMBO**

Joseph M. Colombo, Supervisor Laborer, City of Bayonne, Department of Public Works Parks and Recreation, removal effective August 20, 2010, on charges of incompetency, inefficiency, failure to perform duties, inability to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION:**A-10 MICHAEL FERRARELLA AND DONALD HARVEY**

Michael Ferrarella and Donald Harvey, Police Officers, Borough of Oakland, Police Department, removals effective February 9, 2011, on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal of Mr. Ferrarella to a 180-day suspension and modify the removal of Mr. Harvey to a 120-day suspension.

ACTION:

A-11 MARCOS RODRIGUEZ

Marcos Rodriguez, Police Officer, City of East Orange, Police Department, removal effective November 14, 2008, on charges of failure to perform duties, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:**A-12 RASHEEDAH SPATES**

Rasheedah Spates, Senior Correction Officer, East Jersey State Prison, Department of Corrections, 15 working day suspension on charges of chronic or excessive absenteeism or lateness, being absent from work as scheduled without permission and/or giving proper notice of intended absence and unsatisfactory attendance for an incident that occurred on May 11, 2010. The appellant was also removed effective October 27, 2010 on charges of chronic or excessive absenteeism or lateness, being absent from work as scheduled without permission and/or giving proper notice of intended absence and unsatisfactory attendance for an incident that occurred on July 25, 2010 that appears to have been modified to a 15 working day suspension. Finally, the appellant was removed effective March 25, 2011 on charges of chronic or excessive absenteeism or lateness, being absent from work as scheduled without permission and/or giving proper notice of intended absence and unsatisfactory attendance for an incident that occurred on February 21, 2011.

Recommendation of the Administrative Law Judge – Uphold the 15 working day suspension for the incident of July 25, 2010 and the removal for the incident of February 21, 2011.

ACTION:

A-13 DAVID WILLIAMS

David Williams, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, removal effective March 31, 2009, on charges of neglect of duty, physical or mental abuse of a patient, inappropriate physical contact or mistreatment of a patient, violation of an administrative procedures and/or regulations involving safety and security, failure to report injury, abuse or accident involving patient, violation of a rule, regulation, policy, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a 180-day suspension.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

- B-1** The Office of Legislature Services (OLS) requests the inactivation of the Editor/Proofreader, OLS and Senior Customer Service and Information Assistant, OLS titles.

**MEMORANDUM**

DATE: August 9, 2011
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
State and Local Operations
SUBJECT: Change in the Classification Plan

OK
R. J. Connolly
8/15/11

OFFICE OF LEGISLATIVE SERVICES (OLS)

We request the inactivation of two (2) State government titles, Editor/Proofreader, OLS and Senior Customer Service and Information Assistant, OLS. The titles are assigned exclusively to OLS.

There are no incumbents residing in the titles at the present time, and OLS has confirmed it has no plans to utilize these titles in the future.

TITLE INACTIVATION:

Effective: Changes will be effective the first pay period following the Commission's approval.

Editor/Proofreader, OLS
X98-90468 Unclassified A NL/12

Senior Customer Service and Information Assistant, OLS
X98-10162 Unclassified A NL/12

KC/JM/BP/GB

www.state.nj.us/csc

ACTION:

- B-2** The Division of State and Local Operations requests the reactivation of the title Manager 1, MVC.



MEMORANDUM

DATE: August 10, 2011
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
State and Local Operations
SUBJECT: Change in the Classification Plan

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8/15/11

MOTOR VEHICLE COMMISSION

We request the reactivation of the State title, Manager 1, MVC (M34-56476), which is assigned exclusively to the Motor Vehicle Commission.

The function of this position is to administer the work programs and employee activities of a major sub-element, region, or program of the MVC.

The title was recently inactivated on April 9, 2011 as part of our title reduction effort. However, the Commission requests reactivation and plans to make a retroactive appointment.

TITLE REACTIVATION:

Effective: 04-23-2011

Manager 1, Motor Vehicle Commission
M34-56476 Career O NL/12

KC/JM/BP/GB

ACTION:

B-3 ELAINE CLIDY

Elaine Clidy, a Bus Driver with the Department of Children and Families, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-4 MONIQUE GIDDENS

Monique Giddens, a Charge Nurse 12 Months with the Trenton Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-5 GAIL MATRANGA

Gail Matranga, a Supervisor of Nursing Services with Greystone Park Psychiatric Hospital, Department of Human Services, represented by Sima C. Milgraum, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-6 MAMIE WILLIAMS

Mamie Williams, a Senior Building Maintenance Worker with the Trenton Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-7 THOMAS KAMINSKY

Thomas Kaminsky, a Police Officer with the Borough of Carteret Police Department, represented by Peter B. Paris, Esq., petitions the Civil Service Commission for a stay of his 30 working day suspension, effective August 11, 2011, pending the outcome of his hearing at the Office of Administrative Law.

ACTION:

B-8 JAMIE BARKER

Jamie Barker, a Senior Data Entry Machine Operator, Terminal with the Department of the Treasury, appeals the determination of the Office of Equal Employment Opportunity and Affirmative Action, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-9 LILLIAN GUIA

Lillian Guia, a Forensic Scientist 2 with the Division of State Police, Department of Law and Public Safety, appeals the determination of the Chief of Staff, Office of the Attorney General, which found that the appellant failed to establish that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-10 EDWARD HAAS

Edward Haas, a Deputy Attorney General 4 with the Division of Law, Department of Law and Public Safety, represented by Andre L. Watson, Esq., appeals the determination of the Chief of Staff, Office of the Attorney General, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-11 MARY THOMAS-PRESSLEY

Mary Thomas-Pressley, a former Advanced Practice Nurse with the Division of Medical Assistance and Health Services, Department of Human Services, appeals the determination of the Assistant Commissioner, stating that the appellant failed to present sufficient evidence to support a finding that she

had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-12 SALAAM MUTA-ALI

Salaam Muta-Ali, a former Maintenance Worker 1, Montclair State University, petitions the Civil Service Commission for reconsideration of the final administrative decision, rendered on June 15, 2011, in which the Director of the Division of Merit System Practices and Labor Relations denied his request for a hearing with respect to his removal.

ACTION:

B-13 ANTONIO DOS SANTOS

Antonio Dos Santos, a former Construction Code Inspector 2 with the Department of Community Affairs, appeals the determination of his layoff rights by the Division of State and Local Operations.

ACTION:

B-14 JOSEPH TARDIFF

Joseph Tardiff, an Inspector 3, Multiple Dwellings, with the Department of Community Affairs, appeals the determination of his layoff rights by the Division of State and Local Operations.

ACTION:

B-15 VIRGINIA FLODMAND

The Civil Service Commission, on behalf of Virginia Flodmand, requests the relaxation of the provisions of *N.J.A.C. 4A:6-1.22* so as to permit Ms. Flodmand's retroactive participation in the donated leave program.

ACTION:

B-16 KEVIN ABRAHAMSEN

The Morris County Sheriff's Office, represented by Fredric M. Knapp, Esq., appeals the decision of the Division of State and Local Operations restoring

the name of Kevin Abrahamsen to the County Correction Officer (S9999K), Morris County, eligible list.

ACTION:

B-17 JUAN FONTANES

Juan Fontanes appeals the decision of the Division of State and Local Operations which removed his name from the eligible list for Supervising Community Program Specialist (PS3711K), Department of Human Services, on the basis that he was not serving in the announced unit scope.

ACTION:

B-18 SYLVESTER HENDERSON

Sylvester Henderson, a Medical Security Officer Recruit with the Department of Human Services, requests a review of appointments to the positions of Medical Security Officer Recruit and Senior Medical Security Officer on the basis that various individuals were improperly appointed.

ACTION:

B-19 BRYAN KOPSIC

Bryan Kopsic appeals the decision of the Division of State and Local Operations, which upheld the removal of his name from the Correction Officer Recruit (S9999K), Department of Corrections, eligible list due to his falsification of his employment application.

ACTION:

B-20 ALBERT LIU

The Division of State and Local Operations, on behalf of the Department of the Treasury, requests that Albert Liu's out-of-title work experience be accepted to qualify him for a prospective promotional examination for Data Processing Programmer 2.

ACTION:

B-21 DIANE ROTH

The Department of Community Affairs requests the acceptance of out-of-title experience for Diane Roth to qualify her for a prospective promotional examination for the title of Technical Assistant 3, Community Affairs.

ACTION:

B-22 JYVAUM WILLIAMS

Jyvaun Williams requests that the Civil Service Commission accept his out-of-title experience to qualify for a prospective promotional examination for the title of Senior Technician, Management Information Systems, Division of State Police.

ACTION:

B-23 DEPUTY FIRE CHIEF (PM3649J), WEST ORANGE

West Orange requests that the eligible list for Deputy Fire Chief (PM3649J) be extended for one year beyond its original expiration date.

ACTION:

B-24 JUVENILE DETENTION OFFICER (C2164K), CAMDEN COUNTY

Camden County requests that the eligible list for Juvenile Detention Officer (C2164K) be revived in order to effect an appointment made from the June 21, 2010 certification of the eligible list.

ACTION:

B-25 MANAGEMENT SPECIALIST (M0248M), PASSAIC VALLEY WATER COMMISSION

The Passaic Valley Water Commission, represented by Alan Genitempo, Esq., requests permission not to make an appointment from the April 4, 2011 certification for Management Specialist (M0248M).

ACTION:

B-26 SUPERVISOR, PUBLIC WORKS (PM0604M), PATERSON

Paterson requests permission not to make an appointment from the December 6, 2010 certification for Supervisor, Public Works (PM0604M).

ACTION:

B-27 DANIEL AGUILERA

The Borough of Pompton Lakes, on behalf of Daniel Aguilera, requests that he be permitted to participate in the intergovernmental transfer program and to complete the remainder of his working test period as a Police Officer with Pompton Lakes.

ACTION:

B-28 JOSEPH KALASCHENKOW, ET AL.

The Middlesex County Sheriff's Office, on behalf of Joseph Kalaschenkow, Philip Nobile, Richard Ramirez, and Gabriel Suarez, requests that they be permitted to participate in the intergovernmental transfer program and to complete the remainder of their working test periods as Sheriff's Officers with the Sheriff's Office.

ACTION:

B-29 MATTHEW SOSNOVIK

The Town of Phillipsburg requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Matthew Sosnovik from the title of Sheriff's Officer, Warren County Sheriff's Office, to the title of Police Officer, Phillipsburg.

ACTION:

B-30 JEANINA GOOS

Jeanina Goos appeals the decision of the Division of State and Local Operations that the proper classification of her position with the Department of Children and Families is Purchasing Assistant. The appellant seeks an Administrative Analyst 4, Data Processing, classification.

ACTION:

B-31 JAMES AMICI, ET AL.

James Amici, John Delesandro, Carmine Giangeruso, Paul Lamberti, John Mosser and Carol Tillson appeal the determinations of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Supervisor of Enforcement (PS6806D), Department of Community Affairs.

ACTION:

B-32 MILEYBI CHACON, ET AL.

Mileybi Chacon, Jenny Gonzalez, Martha A. Iluonokhalumhe, Janet Laughery, and Lazaro Mas appeal the determinations of the Division of Selection Services which found that they did not meet the requirements for the promotional examination for Social Worker (PC0078N), Union County.

ACTION:

B-33 MATTHEW DAHER

Matthew Daher appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Building Management Services Specialist 3 (PS9568K), Department of Human Services.

ACTION:

B-34 KARL FELTES

Karl Feltes appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for a prospective provisional appointment to the title of Planning Associate 2, Department of Education.

ACTION:

B-35 CANDACE GARDNER, ET AL.

Candace Gardner, Eric Hicken, John Liqua, Michael Reilley, Christopher Ryan and Timothy Seplaki appeal the validity of the promotional examination for Public Health Representative 1 Emergency Medical Services (PS8191H), Department of Health and Senior Services.

ACTION:

B-36 JEANINA GOOS

Jeanina Goos appeals the determination of the Division of Selection Services that she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 4, Data Processing (PS2312K), Department of Children and Families.

ACTION:

B-37 KEITH HACKETT

Keith Hackett appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for a prospective provisional appointment to the title of Planning Associate 2, Department of Education.

ACTION:

B-38 GEORGE HARRIS JR. AND KEVIN SCARPA

George Harris Jr., and Kevin Scarpa appeal the decisions of the Division of Selection Services which determined that they did not pass the written portion of the examination, and Mr. Scarpa appeals the validity and the test administration of the examination for Fire Fighter (M9999M).

ACTION:

B-39 ROSE LILLO

Rose Lillo appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the open competitive examination for Supervising Clerk (M0494M), Bayonne.

ACTION:

B-40 MARK MATTALIANO

Mark Mattaliano appeals the decision of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Supervisor Traffic Maintenance (PC0098N), Mercer County.

ACTION:

B-41 VINCENT VOLINSKI

Vincent Volinski appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the promotional examination for Custodian (PM0384M), Brick Township Board of Education.

ACTION:

B-42 PROPOSED AMENDMENT: *N.J.A.C. 4A:4-4.7*, REMOVAL OF NAMES FROM ELIGIBLE LIST

Submitted for the Commission's approval is a Notice of Proposal to amend *N.J.A.C. 4A:4-4.7*. The proposal would address two issues regarding eligible list removals. The Administrative Office of the Courts requests that the Civil Service Commission permit consideration of expunged criminal records in making appointments to judiciary titles, citing *N.J.S.A. 2C:52-27(c)*, which requires an individual seeking judiciary employment to reveal expunged records. Additionally, a Juvenile Detention Officer (JDO) candidate has appealed removals based on expunged records from three different JDO lists since 2007, suggesting the need for another change to the rule. Therefore, the attached proposed amendment to *N.J.A.C. 4A:4-4.7* would expressly permit consideration of expunged records in list removals of judiciary and JDO candidates. It is recommended that this proposal be approved for publication in the New Jersey Register for public notice and comment.

ACTION:

B-43 RECENT COURT DECISIONS

Submitted for the Civil Service Commission's review are summaries of recent court decisions involving Merit System Board and Civil Service Commission determinations.

ACTION:

B-44 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of August 17, 2011.

ACTION: